

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

DEMETRIUS NICKENS
Plaintiff,

vs.

CHEX SYSTEMS, INC., FIDELITY
NATIONAL INFORMATION SERVICES, INC.

Defendants,

CIVIL ACTION
FILE NO. 16EV005236

**PLAINTIFF'S EMERGENCY MOTION TO COMPEL CLERK OF COURT TO
TRANSMIT SUMMONS AND COMPLAINT FOR PERSONAL SERVICE ON THE
DEFENDANTS' AND TO COMPLY WITH O.C.G.A. §9-11-4(A) & (B)**

COMES NOW Demetrius Nickens, ("Plaintiff"), in proper person and moves this Honorable Court to Compel the Clerk of the Court to Transmit Summons and Complaint for Personal Service on the Defendants' and for reasons state:

1. On November 13, 2016, the undersigned filed the instant Complaint, electronically, pursuant to this Court's May 28, 2015, Electronic Filing Order (the "Order").
2. Subsequently, on November 27, 2016, undersigned Plaintiff submitted the proposed Summons and Entry of Service forms and paid the \$50.00 service fee. (Exhibit A)
3. As of this writing, the Clerk of the Court has neither signed the Summonses, nor have they forwarded the Summons and Complaint to the Marshalls Office for service of process.
4. Undersigned Plaintiff have communicated with the Clerk's Office, who seems to be unsure what procedures to follow in issuing the summonses. Plaintiff's good faith efforts to resolve this matter have proven futile.

5. O.C.G.A. §9-11-4(a), provides that Upon the filing of the complaint, the clerk shall [f]orthwith **issue a summons** and **deliver it for service**. Upon request of the plaintiff, separate or additional summons shall issue against any defendants.

6. O.C.G.A. §9-11-4(b), provides that the summons shall be signed by the clerk; contain the name of the court and county and the names of the parties; be directed to the defendant; state the name and address of the plaintiff's attorney, if any, otherwise the plaintiff's address; and state the time within which this chapter requires the defendant to appear and file appropriate defensive pleadings with the clerk of the court, and shall notify the defendant that in case of the defendant's failure to do so judgment by default will be rendered against him or her for the relief demanded in the complaint.

7. That Clerk has stated no reasonable basis to delay the adherence to the Georgia Civil Practice Act and should be compelled to execute the Summons and forward to the Marshalls Office forthwith for service.

WHEREFORE, Plaintiff respectfully request that the Clerk of the Court be Compelled to comply with O.C.G.A. §9-11-4(a) & (b); and for such other and further relief as may be deemed just and proper.

This 17th day of December, 2016

/s/ Demetrius Nickens /s/

Demetrius C. Nickens
PRO-SE

1670 Harbin Road, SW
Atlanta, GA 30311
Telephone: (404) 621-0779
Telecopier: (443) 213-1480
demetriusnickens@gmail.com

Case Information

16EV005236 | Demetrius Nickens VS.Chex Systems, Inc.,FIDELITY NATIONAL INFORMATION SERVICES, INC.

Case Number	Court	File Date
16EV005236	State Court	11/13/2016
Case Type	Case Status	
TORT	Open	

Financial

Nickens, Demetrius C

Total Financial Assessment	\$303.00
Total Payments and Credits	\$303.00

11/15/2016	Transaction Assessment	\$253.00
11/15/2016	E-File	Receipt # TCJT-285772 Nickens, Demetrius C (\$253.00)
11/27/2016	Transaction Assessment	\$50.00
11/27/2016	E-File	Receipt # TCJT-286579 Nickens, Demetrius C (\$50.00)